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2 **NOT FOR PUBLICATION**

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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 Steven W. Bluth,) No. CV-04-2684-PHX-SRB
10 Plaintiff,) **ORDER**
11 vs.)
12)
13 Jack L. Johnson; International Health)
Management Associates, Inc.,)
14 Defendants.)
15 _____)

16 At a hearing on July 25, 2005, Defendants promised to file an answer by August 3,
17 2005. The Court's understanding of that promise was that Defendants would file an answer
18 with respect to *all* counts in the Complaint. Defendants chose not to do so, and filed an
19 answer only with respect to the first count of the Complaint.

20 As a remedy for Defendants' failure to fully answer, Plaintiff's seek a default
21 judgment with respect to counts two through seven. This is too harsh a remedy, but the Court
22 does deem it proper to deny Defendants' motion to dismiss counts two through seven.

23 **IT IS ORDERED** denying Defendants' Motion to Dismiss Counts Two Through
24 Seven of the Complaint (Doc. 27).

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IT IS FURTHER ORDERED denying Plaintiff's Motion for Default Judgment on Claims Two through Seven (Doc. 48.)

DATED this 20th day of January, 2006.

Susan R Bolton

Susan R. Bolton
United States District Judge